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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,972

10/16/2006

Jianming Xu

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ALCATEL LUCENT  
INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

AFSHAR, KAMRAN

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,972	<b>Applicant(s)</b> XU ET AL.	
	<b>Examiner</b> KAMRAN AFSHAR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/16/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant failed to clearly define the claimed limitations "An article comprising a machine-readable medium" in the specification. In fact, the original filed specification only defines a machine readable storage device (See e.g. Page 11) such that the specification fails to provide proper antecedent basis for the claimed subject matter.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In accordance with the claimed language of claim 19 "An article comprising a machine-readable medium" which is directed to computer processing related claim. There are no clear and precise reference for An article comprising a machine-readable medium in the specification. In fact, the specification on pages 11-12 defines "a machine readable storage device or in a propagated signal", which makes the claim does not fit within the definition of machine because a signal (**e.g., carrier waves, propagated signal, infrared signals, digital signal, etc**), a form of energy, does not fall within one of the four statutory classes of 101.

Claim 20 is rejected as they are directly and or indirectly depended on rejected claim(s).

#### ***Allowable Subject Matter***

4. Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: 1-18.

With respect to claim 1, Laiho (U.S. Patent 6522655 B1) is the closest prior art to the application invention which discloses a method for routing calls in a distributed mobile switching center environment, the method comprising: receiving a call to be routed from a first switching node to a second switching node; [identifying] an inter-switch route for the call from the first switching node to the second switching node (See Laiho e.g. Steps 100-108 of Fig. 4, MSC 3, MSC 4, MSC 8 of Fig. 6).

Hotze (U.S. Pub. No.: 2004/0266422 A1) teaches a Wireless communications systems are known to include Mobile Switching Centers (MSCs) for receiving calls from mobile stations such as cellular telephones and the like (operated by wireless subscribers), or from network devices (e.g., other MSCs or wireline switches) and for routing calls to other mobile stations or to wireline parties via an attached network, such as the Public Switched Telephone Network (PSTN) (See Hotze e.g. Fig. Page 1, ¶ [0002], Figs. 1, 3).

Vo (U.S. Patent 6,795,44 B1), teaches an inter-MSC call handoff method is provided for handing over a call between a mobile terminal and a party in an integrated wireless packet-switched network system. First, second and third gateways, and one or more gatekeepers associated therewith are disposed within the integrated wireless packet-switched network system, wherein the first gateway is coupled to a first MSC, the second gateway is coupled to a second MSC, and the third gateway is associated with the party. The initial call path involves the first MSC, and the first and third gateways over the packet-switched network portion (See Vo e.g. Co. 5, Lines 22-32, Figs. 10 and 12).

However, the prior art of record fails to disclose singly or in combination to render obvious that identifying an inter-switch route for the call from the first switching node to the second switching node, the inter-switch route including an intermediate switching node, wherein the intermediate switching node includes a plurality of media gateways; selecting an intra-switch route within the intermediate switching node from a plurality of intra-switch routes within the intermediate switching node for establishing the inter-switch route, each of the plurality of intra-switch routes including at least one interconnection between media gateways; and connecting the call using the identified inter-switch route and the selected intra-switch route.

With respect to claim 10, the prior art of record fails to disclose singly or in combination to render obvious that the server [operable] to control routing for the plurality of media gateways, the server operable to select, for a call connection, an intra-switch route including a first media gateway, a second media gateway, and at least one interconnection for connecting the first media gateway and the second media gateway, the intra-switch route selected from a plurality of intra-switch routes designated for serving call connections routed through the first switching node and the second switching node.

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5. Upon proper overcome of the objection(s) and rejection(s) as discussed above in items 1-3, Claims 19-20 would be allowed.

The following is an examiner's statement of reasons for allowance: 19-20.

With respect to claim 19, the prior art of record fails to disclose singly or in combination to render obvious that the intermediate switching node having a plurality of geographically distributed media gateways connected by interconnections; identify a first media gateway and a second media gateway of the plurality of geographically distributed media gateways for use in routing the call from the first switching node to the second switching node; identify an interconnection route list corresponding to a routing between the first media gateway and the second media gateway, the interconnection route list having a plurality of different interconnection routes between the first media gateway and the second media gateway; determine an availability of at least one of the different interconnection routes; select an available one of the different interconnection routes; and allocate the selected interconnection route for use in routing the call from the first switching node to the second switching node.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Picha (U.S. Pub. No.: 2004/0235477A1). b) Bendingfield (U.S. 5, 850, 606 A).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-7495. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Kamran Afshar/**

**Primary Examiner, Art Unit 2617**